Appointment and transfer of High Court Judges

3952. SHRI MAHESHWAR SINGH; Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact that in the appointment and transfer of Judges 0'i High Court, a ratio of two from the state and one .from outside the state is followed;

(b) if so, how many Judges from outside Sikkim have so far been ap pointed for the High Court of Sikkim under this accepted norm; and

(c) whether it is a fact that all Judges in the Sikkim High Court are from outside the State and that the policy of retaining 2/3rd of the Judges from the home state has not been implemented in Sikkim; if so, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) The Govemment have accepted as a policy rcommen-dations of the Law Commission in its 80,h Report that there should be a convention according to which l/3rd of Judges in each High Court should be from any other State. The Government have decided that this may be implemented either by making) initio anointments from outside or by effecting transfers.

(b) 7 Judges/Chief Justices have been appointed from time to time in the Sikkim High Court from outside so far.

(c) One Advocate who had practised in Sikkim High Court was appointed as a Judge of the Sikkim High Court in June, 1976 and was func-tioning as Chief Justice of an outside High Court till 1.4.95 when he resided. Another practising Ad-ocate was appointed Jndge of the Sikkim High Court on 1.6.12.94 and is at present functioning as a Judge of Guwahati High Court. At present, both the Chief Justice and the puisne Judge in the Sikkim High Court are from outside the State. The third post of a Judge in the High Court of Sikkim in vacant.

Implementation of Supreme Court Decision on Payment of Penalty for Stalling Public Projects

3953. SHRI ASHOK MITRA:
SHRI K. R. MALKANI:

Will the PRIME MINISTER be *pleased to state:*

(a) whether Govt's attention has been drawn to the recent Supreme Court decision to the effect that par-tics which indulge in frivolous court proceedings so as to stall public projects shall be liable to payment of damages and compensation;

(b) whether Government propose to undertake administrative steps to enforce this judgement; and

(c) whether Government would also in this connection examine inst ances where important projects or programmes, such as opening of primarv schools, have been held up be-PPHO/OF INTORDUCTIONS often indisctriminatelv granted by lower courts?

THE MINISTER,. OF STATIC IN THE MINISTRY OF *L*AW, -TUSTTCE AND COMPANY AFFAIROS (SHRI H. R BHARDWAJ): (a) Yes, Sir.

(hi and (c) Information is being collected and will be laid on the Table of the House.

Pending Case on Seniority of Julges

3954. SHRI SATYA PRAKASH MALAVIYA: Will the PRIME MINI STER be pleased to state:

(a) whether Government are aware that the case relating to the seniority *of j*udsres is lying undecided even after 15 years have passed:

(b) if so, whether Government propose to take any initiative for e?rly decision in this regard;

(a) whether Government are considering to set up All India Judicial Service; and

(d) if so, whether any steps have been taken /or are likely to be taker, by Government at the earliest?

.*THE MINISTERY OF* LAW, JUS-

SHRI H.R BHARDWAJ): (a) as per provisions of Articles 233 to 230 OL the constitution ol india, all matters inclucung senility or judges belonging to sub-ordi Judiciary or a State are the concern of the respeouive State Government and High Court. In respect of seniority or omeers belong to Delhi Higher Judicial Service and Delhi Judiciary Service, the Registry of the Delhi High Court has reported that C.W.lNo. 490|87, C.W. No. 356| 88 etc. are pending in the Supreme Court and C.W.P. No. 3867|90 is pending in the Delhi High Court.

(b) The case of preparation of seniority list of Delhi Judicial Office after 1986 is receiving, attention of the Delhi Hgh Court.

(c) and (d) In view of the re commendations of the 11th Law Commission as contained in its 116th Report relating to setting up of All India Judicial Service, the question of fomation of an All India Judi cial Service had been considered on several occasion in the past, but no final decision could be taken. In -the light of the Supreme Court's judgement dated 13.11.1991 in W.P No. 1022/89 and order dated 24.8.1993 in Review Petition No. 249. 92 the matter has been retvo-cessed and is reciving the attention of the Govemment.

Represatantion of Sikkim on suprrem Court

3955. SHRI MAHESHWAR SINGH: Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact that Sikkim, which became a part of India about twenty years ago in the year 1975, has never got representation in the Supreme Court despite State Government request*; therefor?

(b) whether it is also a fact that the Supreme Court has held in the S.Advocaters on Record Asso-ciation vs Union of India (AIR 1994 SC 268) that appointment of Judges of the Supreme Court should| be made as the result of a participatory consultative process;

(c) whather it is a fact that the Supreme Court has held in the above Mentioned case case tha the Supreme Court should have representative character;

(d) whether the continued denial of representation of Sikkim in the Surname Court is not against emo tional integration of Sikkim with India; and

(e) the action being taken in the matter?

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THE MINISTER OF STATE IN *ThE,* MINISTERY OF LAW'. JUSTICE AND COMPANY AFFAIRS (SHRI H. R, BHARDWAJ): (a) to (a) to (e) As per the judgement dated 6-10-1993 of the Siroreme Court of India in the 9 Judegs Bench, the Chief Justice of Indio has to initiate proposal for anoointment of a Judge in the Supreme Court after taking into account the views of the 2 senior-most Judges of the Supreme Hour*.

So far no Judge of the Sikkim High *Court has been* appointed as a Judge of the Supreme Court.